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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,183	03/02/2004	William Nelson Chatfield	CHATFIELD	3179

7590 03/28/2005  
David G. Henry  
900 Washington Ave.  
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Waco, TX 76703-1470

EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/791,183

Applicant(s)

CHATFIELD, WILLIAM NELSON

Examiner

Ovidio Escalante

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/01/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings submitted on October 27, 2004 have been approved by the draftsman.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "fig. 3, reference character "2" for the computer.

The drawings are also objected to under 37 CFR 1.83(a) because they fail to show "keypad 180" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

3. The information disclosure statement submitted on 06/01/2004 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

***Oath/Declaration***

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

***Specification***

5. The disclosure is objected to because of the following informalities: on page 8, line 20, "validation (1.06)" should be changed to --validation (1.04)-- since it appears that the re-attempting next message header occurs at 1.04 not 1.06. Appropriate correction is required.

***Claim Objections***

6. Claims 1 and 2 are objected to because of the following informalities:

In claim 1, line 18, "a audible" should be change to --an audible--

In claim 2, line 9, "an synthetic" should be change to --a synthetic--

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the metes and the bounds of the phrase “using known technology” is not known.

In claim 3, it is not clear whether “(translating text or digital information to speech)” is part of the claim. If it is part of the claim then the parenthesis should be removed for clarity.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Zirngibl et al. US Patent 6,587,547.

***Regarding claim 2***, Zirngibl teaches a method for integrating data and voice messaging for the purpose of performing business processes (abstract; col. 3, lines 46-52; col. 4, lines 46-59) comprising the steps of:

receiving a message import file (OLAP report, col. 4, lines 46-59) from a data system (OLAP system), (col. 4, line 60-col. 5, line 8; col. 12, lines 35-46; col. 19, lines 32-43; a page is received from the database system);

processing said message import file by parsing and writing data within said message import file to a storage area, (col. 4, line 60-col. 5, line 8; col. 7, lines 52-63; col. 20, lines 36-44);

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loading said parsed data from said message import file into user-set hierarchal positions defined in said message import file, in order for future audio message(s) to be correctly prioritized based on business needs, (col. 12, lines 35-46; col. 19, lines 32-43; col. 24, lines 7-24);

converting said data from said message import file into an synthetic voice audio message(s), (col. 5, lines 9-19; col. 20, lines 55-61; col. 24, lines 15-24);

configuring user's voice mail in-box with an option tree based on said data received from said message import file and based on said hierarchal positions, (col. 5, lines 9-30; col. 10, line 46-col. 11, line 23; col. 24, lines 15-24);

providing a means for retrieving said audio, prioritized messages from said voice mail in box, (col. 12, lines 35-46; col. 24, lines 15-24); and

providing a means for said user to respond based on said audio, prioritized messages from said user's said voice mail in box options tree, (col. 5, lines 19-30; col. 24, lines 25-34).

***Regarding claim 3***, Zirngibl, as applied to claim 2, teaches wherein processing of said message import file comprises:

opening, reading and processing said message import file, (col. 4, line 46-col. 5, line 8; col. 12, lines 35-46; col. 19, lines 32-43);

parsing and writing said message import file onto a means for storage for further processing, (col. 4, line 60 - col. 5, line 8; col. 7, lines 52-63; col. 20, lines 36-44);

configuring user's said voice mail in box with selectable options based on said data obtained from said message import file, (col. 5, lines 9-30); and

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creating said audio messages from said data of said message import file and loading said audio messages to the appropriate location in said user's said voice mail in box option tree, (col. 5, lines 19-30; col. 12, lines 35-46; col. 24, lines 15-24).

*Allowable Subject Matter*

11. Claim 1 is allowed.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bergsman et al. US Patent 5,568,539 teaches of an interactive message delivery method and apparatus for providing the intended recipient with a plurality of options for responding to the received message.

Fawcett et al. US Patent 5,802,526 teaches of a system for graphically choosing IVR menus and presenting the menu options based on a user's needs.

Hanson et al. US Patent 6,014,427 teaches of a system in which a voice message creator can leave a message and message options that a message receiver can select to respond to the message.

LaPorta et al. US Patent 6,014,429 teaches of a messaging system in which a message recipient receives a message with message options for sending back to the message originator.

13. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

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(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

220 20<sup>th</sup> Street S.  
Crystal Plaza two, Lobby, Room 1B03  
Arlington, VA 22202

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**



Ovidio Escalante  
Examiner  
Group 2645  
November 18, 2004

O.E./oe